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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,891	12/14/2000	Brian D. Kling	BS00-197	5760

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EXAMINER

GOLD, AVI M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 04/21/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,891

Applicant(s)

KLING, BRIAN D.

Examiner

Avi Gold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the application filed December 14, 2000.

Claims 1-35 are pending. Claims 1-35 represent a system and method for sending electronic mail in a client-server architecture.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6-10, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otorii, U.S. Patent No. 5,632,018, further in view of Nakashima et al., U.S. Patent No. 6,470,385.

Otorii teaches the invention as claimed including a broadcast system for broadcasting a response to answer a broadcast message in an electronic mail system (see abstract).

As to claim 1, Otorii teaches a method for sending electronic mail from a client operating within a client-server architecture, the method comprising the steps of:

(a) provisioning the client with client broadcast messaging software (col. 3, lines 51-65; Otorii discloses a client broadcasting email);

(b) provisioning a server with server broadcast messaging software, wherein the server is in communication with the client (col. 3, lines 3-15; Otorii discloses a server broadcasting email);

(c) broadcasting from the client a message containing the electronic mail (col. 3, lines 31-65);

(d) receiving the message at the server (col. 3, lines 31-65; Otorii discloses the electronic mail server receiving the email);

(e) reformatting the message from a format of the broadcast messaging software to a format compatible with an email server; and

(f) forwarding the reformatted message to the email server.

Otorii fails to teach the limitation further including (e) reformatting the message from a format of the broadcast messaging software to a format compatible with an email server; and (f) forwarding the reformatted message to the email server.

However, Nakashima teaches a network monitoring system, a monitored controller, and a monitoring controller with increased efficiency in network monitoring activities (see abstract). Nakashima teaches the use of a message format being converted (col. 4, lines 52-58) and reformatted messages being sent to the server (col. 5, lines 13-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii in view of Nakashima to reformat the message from a format of the broadcast messaging software to a format compatible with an email server and forward the reformatted message to the email server. One would be motivated to do so because it would allow the email server to be compatible with the broadcast messages.

Regarding claim 2 the primary reference teaches, the method of claim 1, wherein the step of broadcasting the message comprises multicasting the message to a group of network components in communication with the client, and wherein the server is in the group of network components in communication with the client (col. 3, lines 39-45; Otorii discloses sending a message to multiple users through the broadcast server).

Regarding claim 3 the primary reference teaches, the method of claim 1, wherein the step of broadcasting the message containing the electronic mail comprises the steps of:

(i) identifying a triggering event that precipitates a need for the electronic mail (col. 3, lines 3-24; Otorii discloses the server being told to send a message);

(ii) determining an email body, an email subject, and an email address for the electronic mail, wherein the email body, the email subject, and the email address correspond to the triggering event (col. 3, lines 3-24; Otorii discloses an email being sent); and

(iii) instructing the client broadcast messaging software to broadcast the message containing the electronic mail, wherein the electronic mail contains the email body, the email subject, and the email address (col. 3, lines 3-24; Otorii discloses email being broadcasted).

Regarding claim 6 the primary reference teaches, the method of claim 3, wherein determining the email body, the email subject, and the email address comprises consulting a database cross-referencing triggering events with email bodies, email subjects, and email addresses (col. 4, lines 21-50; Otorii discloses various email fields).

Regarding claim 7 the primary reference teaches, the method of claim 3, wherein determining the email body, the email subject, and the email address comprises a user manually entering the email body, the email subject, and the email address into a test program of the client broadcast messaging software (col. 4, lines 21-50).

Regarding claim 8 the primary reference teaches, the method of claim 3, further comprising the step of forwarding the electronic mail from the email server through a network to the email address (col. 3, lines 65-67; col. 4, lines 1-11; Otorii discloses email sent from server to an email address).

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Regarding claim 9 the primary reference teaches, the method of claim 1, wherein the step of broadcasting the message containing the electronic mail comprises the steps of

(i) determining an email body, an email subject, and an email address using data processing software (col. 4, lines 21-50);

(ii) accessing an application program interface of the data processing software (col. 4, lines 21-50, Otorii discloses an electronic mailbox);

(iii) sending the email body, the email subject, and the email address to the application program interface (col. 4, lines 21-50; Otorii discloses sending email contents to mailboxes); and

(iv) accessing the client broadcast messaging software with the application program interface and instructing the client broadcast messaging software to broadcast the message, wherein the message contains the email body, the email subject, and the email address. (col. 4; lines 51-58; Otorii discloses email being broadcast).

Regarding claim 12 the primary reference teaches, the method claim 1, wherein the message includes a subject in accordance with subject-based addressing of the client broadcast messaging software and the server broadcast messaging server, and wherein the server is configured to recognize the subject and read the message (col. 4, lines 21-51; Otorii discloses the server reading the subject and message).

Regarding claim 14 the primary reference teaches, the method of claim 1, wherein the client broadcast messaging software is different from, but compatible

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with, the server broadcast messaging software (col. 3, Otorii discloses broadcast software for client and server).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otorii and Nakashima further in view of Chuah et al., U.S. Patent No. 6,400,722.

Otorii teaches the invention including a broadcast system for broadcasting a response to answer a broadcast message in an electronic mail system (see abstract). Nakashima teaches the invention including a network monitoring system, a monitored controller, and a monitoring controller with increased efficiency in network monitoring activities (see abstract).

As to claim 4, Otorii and Nakashima teach the method of claim 3.

Otorii and Nakashima fail to teach the limitation further including the client monitoring data traffic in a digital wireless packet switching network and the triggering event is an overload on network capacity that requires a change in traffic routing.

However, Chuah teaches the optimization of routing mobile end systems to desired communications servers (see abstract). Chuah teaches the use of wireless packet switching (col. 2, lines 43-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii and Nakashima in view of Chuah to use a digital wireless packet switching network and the triggering event as an overload on network capacity that requires a change in traffic routing. One would be

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motivated to do so because the broadcast could be used to alert users of the change in traffic routing.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otorii and Nakashima further in view of Kozdon et al., U.S. Patent No. 6,456,601.

As to claim 5, Otorii and Nakashima teach the method of claim 3.

Otorii and Nakashima fail to teach the limitation further including the client monitoring hard disk space on other clients, and the triggering event is a shortage of hard disk space.

However, Kozdon teaches a method and system for providing call progress tones and audible announcements in a distributed, packetized network environment (see abstract). Kozdon teaches the use of need for more storage (col. 2; lines 5-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii and Nakashima in view of Kozdon to use a client monitoring hard disk space on other clients, and the triggering event as a shortage of hard disk space. One would be motivated to do so because the broadcast could be used to alert users of the shortage of hard disk space.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otorii and Nakashima further in view of Rogers et al., U.S. Patent No. 6,301,484.

As to claim 11, Otorii and Nakashima teach the method of claims 1 and 10.

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Otorii and Nakashima fail to teach the limitation further including the email address is an email address of a wireless pager.

However, Rogers teaches a method and apparatus for remote control of software and hardware features in a wireless communication device using Short Message Services (see abstract). Rogers teaches the use of email on a wireless device (col. 3, lines 58-67; col. 4, lines 1-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii and Nakashima in view of Rogers to use an email address of a wireless pager. One would be motivated to do so because the important messages could be broadcast to users away from their computers.

8. Claims 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otorii and Nakashima further in view of Bookspan et al., U.S. Patent No. 6,636,888.

As to claim 13, Otorii and Nakashima teach the method of claim 1.

Otorii and Nakashima fail to teach the limitation further including the use of the making the format compatible with the email server is Messaging Application Program Interface (MAPI).

However, Bookspan teaches the scheduling of presentation broadcasts in an integrated network environment (see abstract). Bookspan shows evidence of the use of MAPI (col. 14, lines 25-36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii and Nakashima in view of Bookspan to use MAPI.

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One would be motivated to do so because it provides a consistent interface that is well known in use for email servers.

As to claim 20, Otorii and Nakashima teach the method of claim 16.

Otorii and Nakashima fail to teach the limitation further including the client application program interface is one of a dynamic link library, a control, and an object module.

However, Bookspan teaches the scheduling of presentation broadcasts in an integrated network environment (see abstract). Bookspan shows evidence of the use of dynamic link library, a control, and an object module (col. 20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii and Nakashima in view of Bookspan to use a dynamic link library, a control, and an object module. One would be motivated to do so because they provide appropriate functionality to the API.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otorii and Nakashima further in view of Lewis, U.S. Patent No. 6,513,019.

As to claim 15, Otorii and Nakashima teach the method of claim 1.

Otorii and Nakashima fail to teach the limitation further including the client broadcast messaging software and the server broadcast messaging software are TIB Rendezvous.

However, Lewis teaches a data processing system that provides substantial throughput for consolidation, integration, structuring, storage and

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distribution of financial data (see abstract). Lewis shows evidence of the use of TIB Rendezvous (col. 9, lines 60-67; col. 10, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii and Nakashima in view of Lewis to use TIB Rendezvous. One would be motivated to do so because it is a well-known software used in messaging.

10. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otorii and Nakashima further in view of Ooe, U.S. Patent No. 6,330,238.

As to claims 28, Otorii and Nakashima teach the method of claim 16.

Otorii and Nakashima fails to teach the limitation further including the server broadcast messaging software and the email application program interface are a single Transaction Control Protocol / Internet Protocol program.

However, Ooe teaches a multicast transmission method of transmitting data to a plurality of nodes belonging to a specific group in a communication network based upon a protocol such as TCP/IP (see abstract). Ooe shows evidence of the use of TCP/IP for email and broadcast.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Otorii and Nakashima in view of Ooe to use TCP/IP for email and broadcast. One would be motivated to do so because TCP/IP is a well-known protocol used for messaging.

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Claims 10, 16-19, 21-27, and 29-35 do not teach or define any new limitations above claims 1-9, 11-15, 20, and 28 and therefore are rejected for similar reasons.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,003,070 to Frantz.

U.S. Pat. No. 6,356,356 to Miller et al.

U.S. Pat. No. 6,556,835 to Raivisto.

U.S. Pat. No. 6,421,706 to McNeill et al.

U.S. Pat. No. 6,085,101 to Jain et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 703-305-8762. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

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